

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:01-CR-124

v.

HON. ROBERT HOLMES BELL

JOHN DILLON,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #77). Based on a review of defendant's motion, the Sentence Modification Report, submission by counsel for both parties, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

Defendant was sentenced on March 19, 2002 to 240 months custody and 5 years supervised release following his conviction for Conspiracy to Possess with Intent to Distribute Over 50 Grams of Cocaine Base and Over 1 Kilogram of Heroin contrary to 21 U.S.C. §§846, 841(a)(1) and (b)(1)(A). On November 10, 2010, the Court reduced defendant's term of custody to 192 months due to the retroactive application of Amendments 706 and 711 to the United States Sentencing Guidelines.

The Sentence Modification Report prepared as a result of defendant's Amendment 750 motion states that defendant's total offense level, criminal history category, and guideline range remain unchanged from the last sentence modification.

Since Amendment 750 does not result in a lower guideline range, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10(a)(2)(B).

ACCORDINGLY, defendant's motion (docket #77) is **DENIED**.

Date: June 27, 201

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE